

REMARKS

Status of the Application & Formalities

Claim Status

Claims 1-3 and 5-20 are all the claims pending in the application. By this amendment, Applicants are amending claims 1, 7, 9, 17, and 20.

Examiner Interview

Applicants thank the Examiner for the interview conducted on November 25, 2009. A Statement of Substance of Interview is being filed concurrently herewith.

Claim Rejections under 35 U.S.C. § 112

Claim 9 is rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Claim 9 is being amended to address the rejection.

Summary of Art Rejections

1. Claims 1-3, 5-6 and 10 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Rogers (US 3,141,580).
2. Claims 7-9, 14 and 16 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Andris (US 5,238,156).
3. Claims 7 and 11-13 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Kay et al. (US 5,169,039).
4. Claims 17-20 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Blake (US 4,699,300).
5. Claim 15 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kay in view of Cabarroque et al. (US 6,983,865).

Rejections under 35 U.S.C. § 102

1. Claims 1-3, 5-6 and 10 in view of Rogers.

Regarding independent claim 1, Rogers does not disclose at least “wherein the outlet valve is formed by at least a portion of the at least one elastically deformable actuating wall contacting a member that has a fixed distance from the fluid reservoir.”

Rather, as shown in Figures 1 and 3, Rogers discloses an outlet valve that is opened and closed by moving the forward end 17 of the cylindrical member 16 relative to the container.

Accordingly, Rogers does not disclose all of the features recited in independent claim 1. Claims 2, 3, 5, 6 and 10 are allowable at least by virtue of their dependency from independent claim 1.

2. Claims 7-9, 14 and 16 in view of Andris.

Regarding independent claim 7, Andris does not disclose at least “wherein the chamber (26) comprises at least one elastically deformable actuating wall (231) that is depressed radially inward in order to generate a pressure inside the chamber that is high enough to close the inlet valve and to open the outlet valve.”

Rather, as shown in Figures 1 and 3 of Andris, the bellows 3 are compressed in a longitudinal direction (downward in the figures) and is not compressed radially inward.

Accordingly Andris does not disclose all of the features recited in independent claim 7. Claims 8, 9, 14 and 16 are allowable at least by virtue of their dependency from independent claim 1.

3. *Claims 7 and 11-13 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Kay et al. (US 5,169,039).*

Regarding independent claim 7, Kay does not disclose at least “wherein the chamber (26) comprises at least one elastically deformable actuating wall (231) that is depressed radially inward in order to generate a pressure inside the chamber that is high enough to close the inlet valve and to open the outlet valve.”

Rather, Kay discloses a mechanical coupling that opens and closes the stopper 30 at the discharge outlet. In the written description, Kay states “[t]he complementary engagement of the curved camming surfaces 74 (on the lever arm 72) and 78 (on the actuating rod boss 76) drives the actuating rod 28 rearward, against the urgency of the spring 80, whereby the stopper 30 is carried out of its fluid discharge outlet closing engagement with the brush head wall.” (Kay, col. 10, lines 50-56.) As such, in Kay, pressing the actuating button 54 does not generate a pressure inside the chamber that opens and closes valves. Rather, Kay discloses a mechanical coupling of camming surfaces to open and close valves.

Accordingly, Kay does not disclose all of the features recited in independent claim 7. Claims 11-13 are allowable at least by virtue of their dependency from independent claim 7.

4. *Claims 17-20 in view of Blake (US 4,699,300).*

Regarding independent claim 17, Blake does not disclose at least “wherein the fluid dispenser is actuated by deforming the elastically deformable sleeve to increase the pressure in the dispensing chamber, thereby closing the inlet valve and opening the outlet valve.”

Rather, Blake discloses “a flexible diaphragm valving member (14) [comprising] a valve lip (34) which opens to dispense product when the container is squeezed and closes automatically when pressure on the container is released.” (Blake, Abstract.) Accordingly, the valve in Blake opens by squeezing the container to increase pressure inside of the container.

Accordingly, Blake does not disclose all of the features of independent claim 17. Claims 18-20 are allowable at least by virtue of their dependency from independent claim 17.

Rejections under 35 U.S.C. § 103

5. *Claim 15 over Kay in view of Cabarroque.*

Claim 15 is allowable at least by virtue of its dependency from independent claim 7.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.114(c)
U.S. Application No.: 10/550,086

Attorney Docket No.: Q90403

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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